



Committee Report

To: Warden Mitch Twolan
Members of the Planning and Development Committee

From: Kara Van Myall
Director of Planning and Development

Date: October 17, 2019

Re: BCOPA 242- Rubick Appeal

Staff Recommendation:

The BCOPA 242 - Rubick Appeal report is for information.

Background:

Adolf and Sharon Rubick made an application to create two farm lots, being 40 and 20 hectares, from a 60-hectare farm. The application required a Bruce County Official Plan Amendment to permit the 20 hectare farm lot.

On August 15, 2019 Planning and Development Committee recommended approval of BCOPA 242 and permit the 20 hectare farm lot.

Ministry of Municipal Affairs and Housing (MMAH) has appealed Council's decision to approve OPA 242. The reasons for this appeal are attached as Appendix A to this report.

Financial/Staffing/Legal/IT Considerations:

There are no financial, staffing, legal or IT considerations associated with this report.

Written by: Dana Kieffer, M.Sc., Planner, Planning and Development

Approved by:

Bettyanne Cobean
Acting Chief Administrative Officer

Appendix A- Appeal Information

Sep. 27. 2019 5:10PM

MPEB

No. 1111 P. 1

Ministry of
Municipal Affairs
and Housing

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Fax

TO:

Name: Donna Van Wyck, Clerk
Fax No.: 519-881-1619
Organization: County of Bruce

FROM:

Name: Hodan Egeh
Fax No.: 416-585-7292
Phone No.: 416-585-6659
Organization: Ministry of Municipal Affairs and Housing

Date: September 27, 2019

No. of pages (including cover page): 4

Message:

Please find enclosed the following with regard to the County of Bruce Council's September 5th, 2019 decision to adopt Official Plan Amendment No. 242:

- Notice of Appeal of Council's decision to adopt Official Plan Amendment No. 242;
- One (1) credit memo in the amount of \$300.00, which confirms MMAH's payment of the prescribed appeal fee to the Local Planning Appeal Tribunal (LPAT).

Please call me at 416-585-6659 if you do not receive all 4 pages of this fax.

Thank you,

Hodan Egeh, MCIP, RPP
Senior Planner, Appeals and Information Coordination
Information and Analysis Unit (One Window Planning Office)
Municipal Programs and Analytics Branch
Ministry of Municipal Affairs and Housing

**Ministry of the
Attorney General**

Legal Services Branch
Ministry of
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16th Floor, 777 Bay Street
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Procureur général**

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Ministère des Affaires
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September 27, 2019

Ms. Donna Van Wyck
Clerk
County of Bruce
30 Park Street, P.O. Box 848
Walkerton, ON N0G 2V0

Sent via Fax: 519-881-1619

Dear Ms. Van Wyck,

**Re: Notice of Appeal of the Decision of the County of Bruce Council to adopt
Official Plan Amendment No. 242 to the County of Bruce Official Plan**

Pursuant to subsection 17(24) of the *Planning Act*, the Minister of Municipal Affairs and Housing hereby appeals the September 5, 2019 decision of the Council of the County of Bruce (Council) to adopt Official Plan Amendment No. 242 (OPA 242) to the County of Bruce Official Plan.

The decision of Council to adopt OPA 242 would reduce the minimum farm lot size to facilitate the creation of a 20-hectare farm lot from lands described as Concession 10, Lot 2 & North Part Lot 3, geographic Township of Culross, Municipality of South Bruce.

In adopting OPA 242, Council did not have regard to matters of provincial interest, including matters such as the protection of the agricultural resources of the Province as provided in clause 2(b) of the *Planning Act*.

The decision of Council to adopt OPA 242 is not consistent with those provincial policies related to the protection of prime agricultural areas for long-term use for agriculture in the Provincial Policy Statement, 2014 (PPS).

More specifically, the decision of Council to adopt OPA 242:

- (a) is not consistent with policy 2.3.1 of the PPS, which provides that prime agricultural areas shall be protected for long-term use for agriculture, and
- (b) is not consistent with policy 2.3.4.1(a) of the PPS, which provides that lot creation may only be permitted for agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are

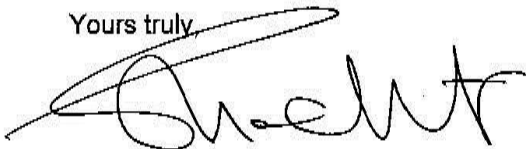
sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.

While the principal reasons for this appeal are set out above, nothing contained in this notice of appeal shall be deemed to restrict subsequent or more detailed objections.

Attached is a Credit Memo in the amount of \$300.00, which confirms payment from the Ministry of Municipal Affairs and Housing to the Local Planning Appeal Tribunal. This represents the appeal fees as prescribed under the *Local Planning Appeal Tribunal Act* in respect to OPA 242.

Should you have any questions regarding this matter, please contact Erick Boyd, Manager, Community Planning and Development, at 519-873-4025.

Yours truly,



Irvin Shachter
Senior Counsel

Encl.: *Credit Memo*

- c. Kara Van Myall, Director of Planning and Development, Bruce County
Erick Boyd, Manager, Community Planning and Development, MMAH, MSO-W
Hodan Egeh, Senior Planner, Appeals and Information Coordination, MMAH

**Ministry of
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and Housing**

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September 27, 2019

CREDIT MEMO

MEMORANDUM TO:

Mary Ann Hunwicks
Registrar
Local Planning Appeal Tribunal

Re:

NOTICE OF APPEAL
Appeal of September 5th, 2019 Decision of the County of
Bruce Council to adopt Official Plan Amendment No. 242
to the County of Bruce Official Plan
Credit Memo Number: 19-004

Please accept this Credit Memo as payment of the fee prescribed under the Local Planning Appeal Tribunal Act in the amount of \$300.00.

This Memo authorizes payment from the responsibility centre for the Municipal Programs and Analytics Branch. By copy of this Credit Memo, the Financial Processing Operations Branch (Ontario Shared Services) is directed to transfer the above noted amount to the responsibility centre of the Local Planning Appeal Tribunal.

If you have any questions, please contact Hodan Egeh (Senior Planner, Appeals and Information Coordination) at 416-585-6659.

A handwritten signature in black ink, appearing to read "Dawn Palin Rokosh".

Dawn Palin Rokosh
Director
Municipal Programs and Analytics Branch

cc: General Accounting Unit, Ontario Shared Services
Michael Lewis, Environment and Land Tribunals Ontario